

VA**U.S. Department
of Veterans Affairs****New York/New Jersey VA Health Care Network**

130 W. Kingsbridge Road, Building 16

Bronx, NY 10468

718-741-4134

113 Holland Avenue, Building 67

Albany, NY 12208

518-626-7342

July 3, 2019

FOIA Request No.: **19-08061-F**Via email: 74270-90910410@requests.muckrock.com

MuckRock News
Attn: Vaughn Golden
DEPT MR 74270
411A Highland Ave
Somerville, MA 02144-2516

Dear Mr. Golden,

This letter is the Initial Agency Decision (IAD) on your May 29, 2018, request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to Department of Veterans Affairs (VA), Veterans Health Administration (VHA), Veterans Integrated Service Network (VISN 2) – New York/New Jersey VA Healthcare Network seeking:

- All VA police reports involving the larceny, theft, or similar misconduct of scheduled prescription medications at the following facilities from January 1, 2018 to present:

MEDICAL CENTERS:

Albany VA Medical Center: Samuel S. Stratton

VA Western New York Healthcare System at Batavia

Bath VA Medical Center

James J. Peters VA Medical Center (Bronx, NY)

Brooklyn Campus of the VA NY Harbor Healthcare System

VA Western New York Healthcare System at Buffalo

Canandaigua VA Medical Center

Franklin Delano Roosevelt Campus of the VA Hudson Valley Health Care System (Montrose)

Manhattan Campus of the VA NY Harbor Healthcare System

Northport VA Medical Center

Syracuse VA Medical Center

Castle Point Campus of the VA Hudson Valley Health Care System

COMMUNITY BASED OUTPATIENT CLINICS:

Auburn VA Outpatient Clinic

Bainbridge VA Outpatient Clinic
Bay Shore Clinic
Binghamton VA Outpatient Clinic
Carmel Community Clinic/Putnam County
Catskill VA Outpatient Clinic
Clifton Park VA Outpatient Clinic
Dunkirk VA Outpatient Clinic
East Meadow Clinic
Elmira VA Outpatient Clinic
Fonda VA Outpatient Clinic
Tompkins/Cortland County
Glens Falls VA Outpatient Clinic
Goshen Community Clinic
Jamestown VA Outpatient Clinic
Kingston VA Outpatient Clinic
Lackawanna VA Outpatient Clinic
Lockport VA Outpatient Clinic
Massena VA Outpatient Clinic
Monticello Community Clinic
New City Community Clinic
Harlem Community Clinic
Niagara Falls VA Outpatient Clinic
Olean VA Outpatient Clinic
Oswego VA Outpatient Clinic
Patchogue Community Clinic
Eastern Dutchess Pine Plains Community Clinic
Plattsburgh VA Outpatient Clinic
Port Jervis Community Clinic
Poughkeepsie Community Clinic
Riverhead Clinic
Rochester VA Outpatient Clinic
Rome - Donald J. Mitchell VA Outpatient Clinic
Saranac Lake
Schenectady VA Outpatient Clinic
Springville
Staten Island Community Clinic
Thomas B. Noonan Community Clinic (Queens)
Troy VA Outpatient Clinic
Valley Stream Clinic
CANI
Watertown VA Outpatient Clinic
Wellsville VA Outpatient Clinic
Westport
White Plains Community Clinic
Yonkers Community Clinic

VET CENTERS:

Albany Vet Center
Buffalo Vet Center
Babylon Vet Center
Binghamton Vet Center
Bronx Vet Center
Brooklyn Vet Center
Nassau Vet Center
Middletown Vet Center
Harlem Vet Center
Manhattan Vet Center
Rochester Vet Center
Staten Island Vet Center
Syracuse Vet Center
Watertown Vet Center
White Plains Vet Center
Queens Vet Center

Your FOIA request was received in my office on May 29, 2018.

A thorough review of records has been conducted and this resulted in the included responsive records being provided that includes sixty-three (63) pages that specifically addresses your request for information.

A review of the records found indicated that the responsive records contain information that falls within the disclosure protections of FOIA exemption 6, 5 U.S.C. § 552(b)(6), and FOIA exemption 7(c), 5 U.S.C. § 552(b)(7)(c).

FOIA exemption 6 permits VA to withhold a document or information within a document if disclosure of the information would constitute a clearly unwarranted invasion of a living individual's personal privacy. Stated another way, VA may withhold information under FOIA exemption 6 where disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, would result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the federal government.

In order to determine if FOIA exemption 6 was applicable; I had first determine if the documents met the threshold of records covered by exemption 6; and if so, determine if disclosure would constitute a clearly unwarranted invasion of personal privacy by balancing the privacy interest that would be compromised by disclosure against any public interest in the requested information. I have determined the documents meet the threshold of records covered by exemption 6, as courts have made it clear that all information that "applies to a particular individual" meets the thresholds of requirements of exemption 6 protection.

Upon completion of my analysis in balancing personal privacy interests against public interest, I have determined the personal privacy interest outweighs the public interest. Consequently, I am withholding information under the disclosure protections of FOIA exemption 6. Specifically, the information I am withholding, as indicated on the enclosed documents, consists of the names, addresses, phone numbers and other personal information of Veterans and suspects under FOIA exemption 6. This purely personal information would not contribute to the public's understanding of VHA activities.

The coverage of FOIA exemption 6 is absolute unless the FOIA requester can demonstrate a countervailing public interest in the requested information by demonstrating that the individual is in a position to provide the requested information to members of the general public and that the information requested contributes significantly to the public's understanding of the activities of the Federal government. Additionally, the requester must demonstrate how the public's need to understand the information significantly outweighs the privacy interest of the person to whom the information pertains.

My review of the documents also revealed that they contained information that falls within the disclosure protections of FOIA Exemption 7, 5 U.S.C. § 552(b)(7)(c). Exemption 7(c) permits VA to withhold a document or information in a document if the Agency compiled the document for a law enforcement purpose and if disclosure of the information could be reasonably expected to constitute an unwarranted invasion of a living individual's personal privacy. Stated another way, VA may withhold information under exemption 7(c) where there is a reasonable likelihood that disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, could result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the Federal government. This exemption continues to apply to information after completion or cessation of the law enforcement activity in which the information was gathered.

It is my determination that the individuals associated with this information have a personal privacy interest in the information that outweighs any public interest served by disclosure of the information under FOIA. Similarly, there is a reasonable likelihood that disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, could result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the Federal government. Consequently, I am withholding information, as indicated by the redactions on the enclosed records, under FOIA exemption 6, 5 U.S.C. § 552 (b)(6), and FOIA exemption 7(c), 5 U.S.C. § 552 (b)(7)(c).

This concludes VISN 2's response to your FOIA request.

You may appeal the determinations made in this letter to:

Office of the General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420
Email: ogcfoiaappeals@va.gov

If you should choose to file an appeal, your appeal must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

In addition to filing an appeal with the Office of General Counsel regarding my determination, you may also seek assistance and/or dispute resolution services regarding your FOIA request from VHA's FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below:

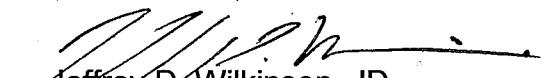
VHA FOIA Public Liaison:
Email Address: vhafoia2@va.gov
Phone Number: (877) 461-5038

Office of Government Information Services (OGIS)
Email Address: ogis@nara.gov
Fax Number: (202) 741-5769
Mailing address: Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

If you should choose to file an appeal, please include a copy of this letter with your appeal and clearly state why you disagree with our determination.

If you have any further questions, please feel free to contact me at (518) 626-7301.

Sincerely,



Jeffrey D. Wilkinson, JD
VISON 2 FOIA Officer